

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL A. THOMAS

Plaintiff

vs.

IAN WALLACE, et. al.

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: 4:13CV622 AGF

**PLAINTIFF'S CASE SUMMARY**

Plaintiff Michael A. Thomas is an offender currently in custody of the Missouri Department of Corrections and incarcerated at Southeast Correctional Center. Plaintiff was investigated for an alleged sexual assault of another inmate and assigned to the administrative segregation unit in June 2012. He was found guilty of sexual assault on another inmate and has remained in administrative segregation from June 2012 until December 2013.

**COUNT I – EIGHTH AMENDMENT VIOLATION (cruel and unusual punishment)**

Plaintiff will testify that he has been deprived of certain liberties while in administrative segregation such as phone calls, exercise and basic necessities. Furthermore, he was forced to endure embarrassing acts and being called racial slurs by prison officials.

**COUNT II – FOURTEENTH AMENDMENT VIOLATION (due process)**

Plaintiff was not given meaningful disciplinary hearings while in administrative segregation. Plaintiff had received regular disciplinary hearings, however they had not

been conducted according to Missouri Department of Corrections Policy and at each hearing Plaintiff has been told he will remain in administrative segregation because of the serious nature of his original sexual assault violation. Plaintiff never received any guidance or goals on how to be removed from administrative segregation, he was simply informed that he would remain in administrative segregation because of the serious nature of his original violation. Plaintiff picked up five minor violations while being in administrative segregation, but had not picked up any violations since April 2013.

### **COUNT III – FIRST AMENDMENT VIOLATION (retaliation)**

Plaintiff sought relief through the procedures of the Missouri Department of Corrections, however in April 2013 he had exhausted all options and filed his complaint in federal court. Shortly thereafter (June 2013), Plaintiff was moved from administrative segregation housing unit 2, to administrative segregation housing unit 1, which Plaintiff believes was in retaliation for filing his lawsuit in federal court.

Plaintiff had several review hearings since he was assigned to housing unit 1 in June 2013, and at each of these hearings it was recommended that he remain in housing unit 1 due to the serious nature of his original violation in June 2012. However, Plaintiff had not had any serious violations since being in the administrative segregation unit, nor has he had any minor violations since April 2013. Yet, after he filed his complaint in federal court, he was moved to a more restrictive unit and repeatedly denied the opportunity to leave this unit. It was not until his hearing on December 17, 2013 that he was recommended to be released to general population. Therefore

Plaintiff spent approximately eighteen (18) months in administrative segregation for the June 2012 violation.

**CONCLUSION**

The evidence will show that Plaintiff was deprived of his right of due process, that he was subjected to cruel and unusual punishment, and that he was being retaliated against for filing his complaint in federal court.

/s/ Frank C. Bertrand  
Frank C. Bertrand III #6288020  
625 Broadway,  
Cape Girardeau, MO 63701  
Phone: (573) 271-5099  
Email: trae@traebertrand.com  
*Attorney for Plaintiff*